

UNITED STATES OF AMERICA :

CRIMINAL NO. _____

v.

DAVID RHOCH

: DATE FILED _____

: VIOLATIONS: 21 U.S.C. §841(a)(1)
:(Possession with intent to
: distribute - 1 Count)
: 18 U.S.C. § 922(g)
:(Felon in Possession -
: 1 Count)
: 21 U.S.C. §853
:(Notice of Forfeiture)

COUNT ONE

On or about March 24, 1999, at Philadelphia, in the Eastern District of Pennsylvania, the defendant

knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of phencyclidine (“PCP”), a Schedule II narcotic drug controlled substance.

In violation of 21 United States Code Section 841(a)(1).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 24, 1999, at Philadelphia, in the Eastern District of
Pennsylvania, the defendant

DAVID RHOCH

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce, a firearm and ammunition, that is one Jennings, Bryco Arms "59" with an obliterated serial number loaded with twelve (12) rounds of ammunition, three black magazines, and an additional thirty-two (32) rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g).

NOTICE OF FORFEITURE

1. The factual allegations contained in Counts One and Two of this Indictment are incorporated by reference in this Notice of Forfeiture as if set forth at length below.

2. As a result of the violation of Title 21, United States Code, Section 841(a)(1) described in Count One of this Indictment, defendant, DAVID RHOCH, shall forfeit to the United States of America, pursuant to Title 21, United States Code, Section 853, the following property:

A. Any and all interest DAVID RHOCH may have in real or personal property used, or intended to be used, in any manner or part to commit or to facilitate the commission of the violation of Title 21, United States Code, Section 841(a) set forth in Count One of the Indictment, including but not limited to a Jennings millimeter semiautomatic pistol, Bryco Arms "59" with an obliterated serial number loaded with twelve (12) rounds of ammunition, three black magazines, an additional thirty-two (32) rounds of ammunition, and a ballistic vest.

B. Any and all interest of DAVID RHOCH in real and personal property constituting or derived from any proceeds that DAVID RHOCH obtained, directly or indirectly, as a result of the violation of Title 21, United States Code, Section 841(a) set forth in Count One of the Indictment, including but not limited to \$112.00 in United States currency recovered from DAVID RHOCH on March 24, 1999.

3. In the event the forfeitable property described in Paragraph 2 above, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

All in violation of Title 21, United State Code, Section 853.

A TRUE BILL:

FOREPERSON

MICHAEL R. STILES
United States Attorney